



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-94,443-01

EX PARTE JAMES PAUL RICHARDS, IV, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 2022-0290-CIV; 2021-0319 IN THE 83RD DISTRICT COURT
FROM VAL VERDE COUNTY**

Per curiam.

ORDER

Applicant pleaded guilty to aggravated assault and was sentenced to thirty-five years' imprisonment. It is unclear from the record whether Applicant appealed from this conviction. Applicant filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07. The record forwarded to this Court appears, however, to be incomplete. Specifically, the record does not contain copies of the trial docket, the amended indictment to which Applicant apparently pleaded guilty, the plea papers, or the trial court's certification of the defendant's right to appeal. Although the index prepared by the clerk indicates that there are findings of fact and conclusions of law from the trial court, no such findings and conclusions are contained in the record. The record does contain

copies of an apparently timely-filed notice of appeal and corrected notice of appeal. However, there is no indication that a direct appeal is pending at this time, and the record does not contain any further information regarding whether or not there was a direct appeal pending at the time Applicant filed this habeas application in the district court.

On January 2, 2023, this Court ordered the district clerk to supplement the record by either forwarding to this Court the above-described documents, or certify in writing that those documents are not part of the record. The clerk was ordered to respond within thirty days from the date of the order but the clerk has not responded to this Court's order.

We remand this application to the trial court, which shall ensure that the habeas record is supplemented with copies of the trial docket, the amended indictment to which Applicant apparently pleaded guilty, the plea papers, the trial court's certification of the defendant's right to appeal, any information regarding whether Applicant currently has a direct appeal pending in this case, and any findings of fact and conclusions of law entered by the trial court. In addition, the trial court shall ensure that the habeas record contains a complete copy of the 11.07 habeas application, including, among other things, any affidavits, motions, objections, proposed findings and conclusions, orders, and transcripts from hearings and depositions. *See* TEX. R. APP. P. 73.4(b)(4). The trial court shall respond within thirty days from the date of this order. Any extensions of time must be requested by the trial court and obtained from this Court.

Filed: April 12, 2023
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